

PATENT
Docket No. 0026-0002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Patent Application of)
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Sergey BRIN) **M/S: Appeal Brief - Patents**
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Application No.: 09/843,923) Group Art Unit: 2142
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Filed: April 30, 2001) Examiner: B. Ailes
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For: SYSTEMS AND METHODS FOR)
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ENTICING USERS TO ACCESS A)
)
WEB SITE)

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REPLY BRIEF UNDER 37 C.F.R. § 41.41

This Reply Brief is submitted in response to the Examiner's Answer, mailed November 16, 2007.

I. STATUS OF CLAIMS

Claims 18-41 are pending in this application.

Claims 18, 19, 21-29, and 31-41 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Wolff (U.S. Patent No. 6,247,047) in view of Yahoo (www.archive.org/web/19961223150621/http://www8.yahoo.com, dated December 23, 1996).

Claims 20 and 30 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Wolff in view of Yahoo and what was allegedly "well known at the time of the applicant's invention."

Claims 1-17 were previously canceled without prejudice or disclaimer.

Claims 18-41 are the subject of the present appeal. These claims were reproduced in the Claim Appendix of the Appeal Brief.

II. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. Claims 18, 19, 21-29, and 31-41 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Wolff and Yahoo.

B. Claims 20 and 30 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Wolff, Yahoo, and what was allegedly "well known at the time of applicant's invention."

III. RESPONSE TO ARGUMENT SECTION OF EXAMINER'S ANSWER**A. The Rejection Under 35 U.S.C. § 103(a) Based on Wolff (U.S. Patent No. 6,247,047) in View of Yahoo (www.archive.org/web/19961223150621/http://www8.yahoo.com, dated December 23, 1996) Should be Reversed.****1. Claim 40.**

Dependent claim 40 recites invoking a search of the Internet. In the Appeal Brief, Appellant provided substantial reasons why Wolff and Yahoo, whether considered alone or in any reasonable combination, do not disclose or suggest this feature of claim 40. Appeal Brief, pages 14-15.

In the Examiner's Answer, the Examiner alleged Wolff discloses searching an online database, which is considered to be part of the Internet. Examiner's Answer, page 20. The Examiner also alleged that it is known in the art that search engines do not actually search the Internet but in fact search an indexed database of the Internet. Examiner's Answer, page 20.

Even assuming, for the sake of argument, that the Examiner's second allegation is accurate, the Examiner has not provided any evidence that the online database described by Wolff is an indexed database of the Internet or is equivalent to an indexed database of the Internet. Instead, Wolff discloses on-line and off-line relational databases 36 and 38, respectively, that include a product or service information database including records for storing data specific to a plurality of advertising banners or icons, and a transaction database including records for storing data specific to individual transactions. Figure 1; column 6, lines 60-66. Wolff does not disclose or suggest that the product/service information relating to advertising banners or icons or the transaction records are information that is searchable on the Internet, but

merely disclose that the databases containing this information are accessible via the Internet.

Thus, searching these databases would not be equivalent to searching the Internet, as recited in claim 40.

Therefore, the Examiner has not established a *prima facie* case of obviousness with regard to claim 40.

For at least the foregoing reasons and for those reasons presented in the Appeal Brief, Appellant submits that the rejection of claim 40 under 35 U.S.C. § 103(a) based on Wolff and Yahoo is improper. Accordingly, Appellant requests that the rejection of claim 40 be reversed.

2. Claim 26.

Independent claim 26 recites, among other things, instructions for uploading the special event logo to the web page. In the Appeal Brief, Appellant provided substantial reasons why Wolff and Yahoo, whether taken alone or in any reasonable combination, do not disclose or suggest this feature of claim 26. Appeal Brief, pages 16-17.

In the Examiner's Answer, the Examiner alleged that Appellant failed to accurately describe how a logo or any image can be viewable on a web page without performing an upload operation. Examiner's Answer, page 22. Appellant submits that the Examiner is misconstruing Appellant's claim language. Claim 26 does not simply recite uploading a special event logo to a web page. Instead, claim 26 explicitly recites instructions for uploading a special event logo to a web page. The "instructions for" language clearly indicates that this uploading operation is automated (e.g., performed by "one or more processors" as recited in the preamble of claim 26). The Examiner has not provided any evidence that either Wolff or Yahoo discloses or suggests instructions for uploading a special event logo to a web page. Instead, the Examiner has only

shown an end product (i.e., the modified Yahoo logo on the Yahoo web page). Thus, the

Examiner has not established a prima facie case of obviousness with regard to claim 26.

For at least the foregoing reasons and for those reasons presented in the Appeal Brief, Appellant submits that the rejection of claim 26 under 35 U.S.C. § 103(a) based on Wolff and Yahoo is improper. Accordingly, Appellant requests that the rejection of claim 26 be reversed.

3. Claim 29.

Dependent claim 29 recites instructions for modifying the standard company logo with one or more animated images. In the Appeal Brief, Appellant provided substantial reasons why Wolff and Yahoo do not disclose or suggest this feature of claim 29. Appeal Brief, pages 17-18.

In the Examiner's Answer, the Examiner alleged that Yahoo discloses:

the modification of a logo using instructions wherein Yahoo shows a modified Yahoo logo done by computer means. The computer is required to be fed instructions in order to work at all and therefore reads on the aspect of executing instructions as required by dependent claim 29.

Examiner's Answer, page 22. Appellant submits that the Examiner's allegation lacks merit.

Yahoo simply shows an end product (i.e., a modified Yahoo logo). Yahoo does not disclose or remotely suggest that the Yahoo logo was modified by executing instructions for modifying a standard company logo with one or more animated images. The "instructions for" language clearly indicates that this modifying operation is automated (e.g., performed by "one or more processors" as recited in the preamble of claim 26). The Examiner has not provided any evidence that either Wolff or Yahoo discloses or suggests instructions for modifying the standard company logo with one or more animated images. Instead, the Examiner has only shown an end product (i.e., the modified Yahoo logo). Thus, the Examiner has not established a prima facie

case of obviousness with regard to claim 29.

For at least the foregoing reasons and for those reasons presented in the Appeal Brief, Appellant submits that the rejection of claim 29 under 35 U.S.C. § 103(a) based on Wolff and Yahoo is improper. Accordingly, Appellant requests that the rejection of claim 29 be reversed.

4. Claim 31.

Dependent claim 31 recites instructions for modifying the standard company logo with information associated with a holiday. In the Appeal Brief, Appellant provided substantial reasons why Wolff and Yahoo do not disclose or suggest this feature of claim 31. Appeal Brief, pages 18-19.

For at least the reasons given above with regard to claim 29 and for those reasons presented in the Appeal Brief, Appellant submits that the rejection of claim 31 under 35 U.S.C. § 103(a) based on Wolff and Yahoo is improper. Accordingly, Appellant requests that the rejection of claim 31 be reversed.

5. Claim 35.

Dependent claim 35 recites instructions for replacing the standard company logo with the special event logo on the web page. In the Appeal Brief, Appellant provided substantial reasons why Wolff and Yahoo do not disclose or suggest this feature of claim 35. Appeal Brief, pages 19-20.

In the Examiner's Answer, the Examiner alleged that a computer is required to be fed instructions in order to work properly. Examiner's Answer, page 23. Appellant submits that the Examiner has provided no evidence that Yahoo discloses feeding a computer with instructions for replacing a standard company logo with a special event logo on a web page, as recited in

claim 35. The "instructions for" language clearly indicates that this replacing operation is automated (e.g., performed by "one or more processors" as recited in the preamble of claim 26). The Examiner has not provided any evidence that either Wolff or Yahoo discloses or suggests instructions for replacing a standard company logo with a special event logo on a web page, as recited in claim 35. Instead, the Examiner has only shown an end product (i.e., the modified Yahoo logo). Thus, the Examiner has not established a *prima facie* case of obviousness with regard to claim 35.

For at least the foregoing reasons and for those reasons presented in the Appeal Brief, Appellant submits that the rejection of claim 35 under 35 U.S.C. § 103(a) based on Wolff and Yahoo is improper. Accordingly, Appellant requests that the rejection of claim 35 be reversed.

6. Claim 27.

Independent claim 27 recites, among other things, a processor configured to determine a home page for a web page on a network. In the Appeal Brief, Appellant provided substantial reasons why Wolff and Yahoo do not disclose or suggest this feature of claim 27. Appeal Brief, pages 20-21.

In the Examiner's Answer, the Examiner alleged:

Wolff teaches the inherent use of a computer processor by way of having an image uploaded to a web site wherein the uploading of an image would not be possible in any way without the use of a computer processor. Yahoo! teaches the uploading of an image to a web page, coincidentally to a home page as indicated (www.yahoo.com) and the altered image is actually being displayed where the standard company logo is customarily presented. By having the uploading being done to the home page it is therefore taught by Yahoo the functionality of determining the home page.

Examiner's Answer, pages 23-24. Appellant submits that the Examiner's conclusion regarding the Yahoo reference finds no support in the Yahoo reference. The mere fact that Yahoo shows a

modified Yahoo logo on the www.yahoo.com web page in no way means that a processor executed instructions to determine the home page for the Yahoo web site. Thus, the Examiner has provided absolutely no evidence that Yahoo, or Wolff, discloses or suggests a processor that executes instructions to determine a home page for a web page on a network, as recited in claim 27.

For at least the foregoing reasons and for those reasons presented in the Appeal Brief, Appellant submits that the rejection of claim 27 under 35 U.S.C. § 103(a) based on Wolff and Yahoo is improper. Accordingly, Appellant requests that the rejection of claim 27 be reversed.

7. Claim 41.

Dependent claim 41 recites invoking a search for web pages relating to the special event. In the Appeal Brief, Appellant provided substantial reasons why Wolff and Yahoo do not disclose or suggest this feature of claim 41. Appeal Brief, pages 24-25.

In the Examiner's Answer, the Examiner alleged that Wolff discloses searching an online database that is considered part of the Internet. Examiner's Answer, page 26. Appellant submits that Wolff does not disclose or remotely suggest invoking a search for web pages relating to a special event, as recited in claim 41.

Wolff discloses on-line and off-line relational databases 36 and 38, respectively, that include a product or service information database including records for storing data specific to a plurality of advertising banners or icons, and a transaction database including records for storing data specific to individual transactions. Figure 1; column 6, lines 60-66. Wolff does not disclose or suggest that the product/service information relating to advertising banners or icons or the transaction records are web pages, let alone web pages relating to a special event, as recited in

claim 41. Thus, searching these databases would not be equivalent to invoking a search for web pages relating to a special event, as recited in claim 41.

Therefore, the Examiner has not established a *prima facie* case of obviousness with regard to claim 41.

For at least the foregoing reasons and for those reasons presented in the Appeal Brief, Appellant submits that the rejection of claim 41 under 35 U.S.C. § 103(a) based on Wolff and Yahoo is improper. Accordingly, Appellant requests that the rejection of claim 41 be reversed.

8. Claims 37-39.

Independent claim 37 recites, among other things, invoking a search for web pages relating to the special event in response to a received selection of a special event logo. In the Appeal Brief, Appellant provided substantial reasons why Wolff and Yahoo do not disclose or suggest this feature of claim 37. Appeal Brief, pages 25-26.

For at least the reasons given above with regard to claim 41 and for those reasons presented in the Appeal Brief, Appellant submits that the rejection of claim 37 under 35 U.S.C. § 103(a) based on Wolff and Yahoo is improper. Accordingly, Appellant requests that the rejection of claim 37 be reversed.

Claims 38 and 39 depend from claim 37. Appellant submits that the rejection of claims 38 and 39 under 35 U.S.C. § 103(a) based on Wolff and Yahoo is improper for at least the reasons given with regard to claim 37. Accordingly, Appellant requests that the rejection of claims 38 and 39 be reversed.

IV. CONCLUSION

In view of the foregoing arguments and the arguments presented in the Appeal Brief, Appellant respectfully solicits the Honorable Board to reverse the Examiner's rejections of claims 18-41 under 35 U.S.C. § 103.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,
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